

EXHIBIT A-1

CAUSE NO. 2022CI22748

MICHAEL KING,
Plaintiff

VS.

IEA CONSTRUCTORS, LLC
Defendant

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IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION and JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Michael King, hereinafter referred to as Plaintiff or "King", complaining of and about IEA Constructors, LLC, hereinafter referred to as Defendant or "IEA", and for cause of action will show unto the Court as follows:

I.

PARTIES AND SERVICE

1. Plaintiff, Michael King, is a citizen of the United States and the State of Texas.
2. Defendant, IEA, is a domestic corporation, doing business and in Bexar County, Texas and service of process may be effected by delivering a copy of Plaintiff's Original Petition, Return Receipt Requested, to Derek Johnson, President of IEA at 150 N. Patrick Blvd. Suite 180, Brookfield, WI 53045-5854.

II.

JURISDICTION

3. This Court has jurisdiction of this action, as this case arises under the Texas Labor Code Chapter 451 and damages are within the jurisdiction of this court and will continue to increase as this case proceeds to trial. Additionally, this Court has jurisdiction of Plaintiff's claims under 42 U.S.C. Section 1981,

III.

NATURE OF ACTION

4. This is an action brought pursuant to the Texas Labor Code Chapter 451, for a violation of the statute amounting to discrimination and retaliatory discharge of Plaintiff for pursuing a worker's compensation claim. This action is also brought pursuant to 42 U.S.C. Section 1981 for acts of race discrimination and retaliation for opposing race discrimination.

IV.

CONDITIONS PRECEDENT

5. All conditions precedent to jurisdiction have occurred with regard to exhaustion of administrative remedies provided under the relevant statutory administrative scheme.

V.

JURY DEMAND

6. Plaintiff is requesting trial by jury and will tender the statutory jury fee.

VI.

AGENCY

7. Whenever in this petition it is alleged that the Defendant did any act or thing, it is meant that Defendant's officers, agents, servants, employees or representatives did such act or thing and that at the time such act or thing was done, it was done with the full authorization or ratification of or by Defendant and was done in the normal and routine course and scope of employment of Defendant's officers, agents, servants, employees or representatives.

VII.

FACTS

8. Plaintiff suffered an injury on June 27, 2022, and as is his right, pursued worker's compensation benefits. Part of the treatment medically provided by Plaintiff's treating physician was medication calculated to relieve the pain in King's shoulder. The prescribed medication, Meloxicam, was known to give a false positive for methamphetamines during any drug screening. IEA managers manipulated the drug test protocol and subjected King to a drug test when IEA knew that Plaintiff was being treated for a left shoulder injury with Meloxicam. The healthcare provider administering the drug test openly advised King that the Meloxicam he was taking for pain could cause a false positive for methamphetamines. IEA managers ignored the evidence that would explain a positive test result for methamphetamines and used the inappropriate second drug screen (the first one was passed clean of any drugs) to terminate Plaintiff's employment. Race discrimination and retaliation for opposing race discrimination were present in the conduct of IEA managers as follows: 1) IEA Superintendent, Jeremy Grant, referred to African American

employees a “Niggers” and IEA Safety Manager, Denise Jordan, referred to IEA African American employees as “Monkeys” and neither IEA manager was disciplined for doing so. Plaintiff was insulted and harassed for the way he maintained his hair. Managers referred to his hairdo as “shit locks”. The IEA Project Manager upon hearing that Plaintiff was from Georgia stated: “If I had known you were from Georgia I would never have hired you.”

9. Chapter 451 of the Texas Labor Code provides that a person may not discharge or in any other manner discriminate against an employee because the employee has: 1) filed a workers’ compensation claim in good faith; 2) hired a lawyer to represent the employee in a claim; 3) instituted in good faith a proceeding under the Texas Worker’s Compensation Act; or 4) testified or is about to testify in a proceeding under the Act. Plaintiff’s conduct fell within the protection of the Chapter 451 and Defendant was prohibited from discriminating and retaliating against the Plaintiff.

10. Title 42, United States Code, Section 1981 states: “All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.” Section 1981 (b) further defines the phrase “make and enforce contracts” as “the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship”. Section 1981 (b) further defines the phrase “make and enforce contracts” as “the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and

conditions of the contractual relationship”.

VIII.

DAMAGES

11. Plaintiff sustained the following damages as a result of the actions and/or omissions of Defendant described hereinabove:

- a. Compensatory Damages (including emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-economic damages) allowed under the Texas Labor Code.
- b. Economic damages in the form of lost back pay from the date of Plaintiff being subjected to an adverse employment decision;
- c. Front pay in an amount the Court deems equitable and just to make Plaintiff whole;
- d. Exemplary damages for Defendant engaging in unlawful intentional discriminatory practices with reckless indifference to the state protected rights of an aggrieved individual, like Plaintiff, Salvatore Savarino.

12. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff hereby seeks monetary relief over \$200,000.00 but less than \$1,000,000.00 including costs, expenses and pre- and post-judgment interests. Plaintiff further requests that the non-expedited rules apply in this case.

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IX.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Michael King, respectfully prays that Defendant, IEA, be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court, together with interest as allowed by law, costs of court, and such other and further relief to which the Plaintiff may be justly entitled at law or in equity.

Respectfully submitted

 /s/ Dennis L. Richard

Dennis L. Richard

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Associated Case Party: Michael King

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